

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

WINSTON WILLIAMS,

Plaintiff,

v.

L. GAMBOA, et al.,

Defendants.

Case No. 17-cv-00098-JST (PR)

**SECOND ORDER OF SERVICE ON
DEFENDANT PIN-CHIEH CHIANG,
DO**

Plaintiff, an inmate at the California Substance Abuse Treatment Facility proceeding pro se, filed a complaint under 42 U.S.C. § 1983 regarding claims arising at Salinas Valley State Prison (“SVSP”), where he was previously incarcerated. On October 4, 2017, the Court screened plaintiff’s second amended complaint (“SAC”) and found that plaintiff stated a cognizable Eighth Amendment claim for deliberate indifference to serious medical needs as against doctors L. Gamboa, J. Chudy, P. Chang, and K. Kumar. Defendants Gamboa, Chudy, and Kumar were successfully served and have filed a motion for summary judgment. On May 17, 2018, the Court dismissed defendant Chang without prejudice after the summons for this defendant was returned unexecuted and plaintiff was unable to provide sufficient information to enable service of process within the time limits set out in Federal Rule of Civil Procedure 4(m).

On August 28, 2018, the Court granted plaintiff’s request to correct the spelling of defendant Chang’s name to “Chiang” and directed the Marshal to reissue service. On September 25, 2018, the reissued summons for Dr. P. Chiang was returned unexecuted with the notation “According to SVSP, no record of this person ever working there.” ECF No. 45.

This appears to be an error. Exhibits attached to Defendants Gamboa, Chudy, and Kumar’s motion for summary judgment clearly show that plaintiff was treated by a Pin-Chieh

Chiang, DO at SVSP. *See e.g.*, ECF No. 38-6 at 13. Furthermore, the declarations of doctors Chudy and Gamboa both identify a “Dr. Chiang” as plaintiff’s primary care physician at SVSP. *See* ECF Nos. 38-1 at 5, 38-5 at 2. Dr. Kumar’s declaration also acknowledges that plaintiff received treatment from a “Dr. Chiang.” *See* ECF No. 38-9 at 4-5.

Accordingly, the Court orders as follows:

1. The Clerk shall re-issue summons and the United States Marshal shall serve, without prepayment of fees, a copy of the second amended complaint in this matter (ECF No. 20), a copy of the Court’s October 4, 2017 service order (ECF No. 22), and a copy of this order upon **Pin-Chieh Chiang, DO at Salinas Valley State Prison.**

2. The Clerk shall send a copy of this order to the Litigation Coordinator at Salinas Valley State Prison, who is requested to file notice with the Court within **twenty-eight (28) days** of this order as to whether defendant **Pin-Chieh Chiang, DO** can be identified. If the defendant can be identified but is no longer at SVSP, the Litigation Coordinator is requested to provide to the Court any forwarding address information and last known address that is available within **twenty-eight (28) days** from the date of this order. A non-CDCR address should be provided under seal.

3. The briefing schedule set forth in the Court’s August 28, 2018 order is VACATED. The Court will set a new briefing schedule once all service issues are resolved.

IT IS SO ORDERED.

Dated: October 10, 2018



JON S. TIGAR
United States District Judge